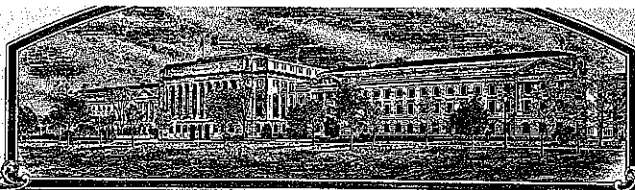


No.

9600361



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Resource Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW. NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

TRITICALE

'498'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this thirtieth day of January, in the year two thousand three.

Attest.

Paul M. Jahn

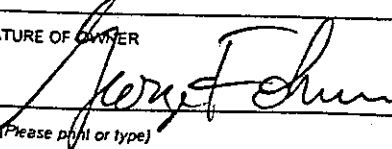
Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Ernest
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICEAPPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Resource Seeds, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME XT498		3. VARIETY NAME 498	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 2280 Hecker Pass Highway Gilroy, California 95020		5. TELEPHONE (include area code) 408/847-1051		FOR OFFICIAL USE ONLY	
		6. FAX (include area code) 408/847-0604		PVPO NUMBER 9600361	
7. IF THE OWNER NAMED IS NOT A "PERSON". GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION California		9. DATE OF INCORPORATION October 1, 1990	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION (First person listed will receive all papers) Dr. George Fohner Resource Seeds, Inc. P.O. Box 1319 Gilroy, CA 95021				FILING AND EXAMINATION FEES: \$ 2450.00 DATE 8/12/1996 CERTIFICATION FEE: \$ 320.00 DATE 4/11/2002	
11. TELEPHONE (include area code) 408/847-1051		12. FAX (include area code) 408/847-0604		13. E-MAIL george@resourceseeds.com	
				14. CROP KIND (Common Name) Triticale	
18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)			19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 63(a) of the Plant Variety Protection Act <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22)		
			20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
			21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse)		
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="radio"/> YES <input type="radio"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)			23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="radio"/> YES <input checked="" type="radio"/> NO IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		
24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties:					
SIGNATURE OF OWNER  NAME (Please print or type) George Fohner			SIGNATURE OF OWNER NAME (Please print or type)		
CAPACITY OR TITLE President		DATE (new form) 9/12/00		CAPACITY OR TITLE DATE	

INSTRUCTIONS

9600361

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,450 (\$300 filing fee and \$2,150 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$300 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvp.htm>

ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
(2) the details of subsequent stages of selection and multiplication;
(3) evidence of uniformity and stability; and
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
(1) identify these varieties and state all differences objectively;
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (seed of this variety be sold by variety name only, as a class of certified seed), the applicant MAY NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 5.5 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

USA, November 1995 Sold for seed multiplication and on-farm testing under the supervision of Resource Seeds, Inc.

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705. Telephone: (301) 504-8089.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your report. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact the USDA Office of Communications at (202) 720-2791. To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call (202) 720-7327 (voice) or (202) 720-1127 (TDD). USDA is an equal opportunity employer.

470 (6-98) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (03-96) which is obsolete.

TRITICALE

"498"

EXHIBIT A: ORIGIN AND BREEDING HISTORY

Pedigree [Daws x Snoopy] x 179-1] 6TC027

Triticale 498, a facultative type of triticales developed by Resource Seeds, Inc., is a pure line selection from the 1982 cross of octoploid triticales Daws/Snoopy with two hexaploids L179-1, and 6TC027. The octoploid triticales accession Daws/Snoopy is a USDA-Corvallis triticales breeding line developed by Dr. Robert Metzger by crossing the public wheat variety Daws and the CIMMYT experimental rye, Snoopy. L179-1 and 6TC027 were breeding lines in The Jenkins Foundation for Research program on triticales, now owned by Resource Seeds. L179-1 was an experimental hexaploid triticales accession received by Dr. Charles Jenkins from Dr. T. Wolski, Laski Plant Breeding Station, Laski, Poland. 6TC027 was a triticales line developed by Dr. Jenkins from a cross made in 1967 described in Dr. Jenkins records as being a cross between a publicly available land race of purple wheat collected from a cultivated field in China and the triticales breeding line 6T0TXB140. His records further indicate that 6T0TXB140 was a selection from the triticales breeding population composed of bulked 6T02413 and 6T02418, both populations of which were produced from F_2 plant selections from the cross between the primary hexaploid triticales 6T6TXA002 and OT6TXA031. OT6TXA031 was an F_2 plant selection from a cross between the primary hexaploid triticales P4160(E)X6AT and the hexaploid triticales breeding line X6A274. P4160(E)X6AT was a publicly available line from a triticales collection at Michigan State University and X6A274 was a publicly available line from the collection at CIMMYT.

The cross designated XT498 was advanced by the bulk breeding method in the F_2 and F_3 generations. In 1984 head selections were made from the F_3 bulk and grown as F_4 headrows in 1985. Bulk selection XT498-6 from a single F_4 head row was tested in yield trials for 3 years, and was selected for commercial development on the basis of superior grain yields.

Breeder seed of 498 was formed from a composite of 180 plant selections derived from 200 heads sampled from XT498-6 in 1988 and selected in 1989 and 1990 for uniformity of height, chaff color, and seed color.

Triticale 498 has been observed to be uniform and stable over six generations of testing in California and the southeast U.S., its primary area of commercial adaptation. During the multiplication process some taller variants have been observed at a frequency of approximately 1:4000-5000.

TRITICALE

"498"

EXHIBIT B: STATEMENT OF DISTINCTNESS (NOVELTY STATEMENT)

Triticale 498 is most similar to the triticale variety 2700 (PVP 9300122) in that both have a more erect spike than that of other intermediate or spring-type triticale varieties. Triticale 498 differs from 2700 in having shorter straw and earlier maturity (Tables 1 & 2). Trical 498 has an erect spike, which distinguishes it from many other triticale varieties grown in its area of adaptation.

Table 1 Plant Height of 498 vs 2700 Triticale

	498	2700	Std Error of Mean	"t" Test Significance
South Carolina 1995				
	cm			
Clemson	99	130	2.0	p < 0.001
Florence	104	127	2.3	p < 0.001
Blackville	109	119	1.3	p < 0.001
Hollister, California				
1987	128	158	NA	NA
1988	137	166	NA	NA
1989	140	162	NA	NA
Gilroy, California				
1992	142	165	NA	NA
Knoxville, Tennessee				
1995	94	140		
Orange, Virginia				
1995	104	150	NA	NA
AVG	118	146		

Paired "t" test on means across all sites: t = -7.55
p < 0.001

Table 2

Heading Date of 498 vs 2700 Triticale

	498	2700
South Carolina 1995	Days after March 31	
Clemson	11	25
Hollister, California		
1988	6	10
Gilroy, California		
1991	18	26
1992	16	21
Knoxville, Tennessee		
1995	19	28
Orange, Virginia		
1995	20	31
AVG	15	24

Paired "t" Test:

t = -5.58

p < 0.01

FORM GR-470-33
(8/75)U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782
OBJECTIVE DESCRIPTION OF VARIETY
TRITICALE

NAME OF APPLICANT(S) Resource Seeds, Inc.	VARIETY NAME OR TEMPORARY DESIGNATION XT498
ADDRESS (Street and No., or F.F.D. No., City, State, and ZIP Code) P.O. Box 1319, Gilroy, CA 95021	FOR OFFICIAL USE ONLY PVPO NUMBER 9600361

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g., 089 or 09) when number is either 99 or less or 9 or less.

1. GROWTH HABIT:

<input type="text"/> 2	1 = SPRING	2 = INTERMEDIATE	3 = WINTER
<input type="text"/> 2	Juvenile Plant Growth:	1 = PROSTRATE	2 = SEMIPROSTRATE
		3 = ERECT	
<input type="text"/> 2	Photoperiod:	1 = INSENSITIVE	2 = SENSITIVE

2. PLOIDY:

<input type="text"/> 1	1 = HEXAPLOID	2 = OCTOPLOID	3 = OTHER (Specify) _____
<input type="text"/> 4 <input type="text"/> 2	2n CHROMOSOME NUMBER		

3. MATURITY (50% Flowering):

<input type="text"/> 3	1 = VERY EARLY	2 = EARLY	3 = MIDSEASON	4 = LATE	5 = VERY LATE
<input type="text"/> 1 <input type="text"/> 1	DAYS EARLIER THAN <u>Presto</u> <input type="text"/>			1 = CARMACK	2 = ROSNER
				3 = PATHFINDER	
<input type="text"/> 7	DAYS LATER THAN <u>Florico</u> <input type="text"/>			4 = 6TA 204	5 = ARMADILLA

4. HEIGHT:

<input type="text"/> 1 <input type="text"/> 0 <input type="text"/> 5	CM. HIGH in Southeast U.S.	<input type="text"/> 4	1 = DWARF	2 = SEMIDWARF	3 = SHORT
			4 = MIDTHALL	5 = TALL	
<input type="text"/> 1 <input type="text"/> 0	CM. SHORTER THAN <u>Florico</u> <input type="text"/>	}	1 = CARMACK	2 = ROSNER	3 = PATHFINDER
<input type="text"/>	CM. TALLER THAN <input type="text"/>		4 = 6TA 204	5 = ARAMADILLA	

5. PLANT COLOR AT BOOT STAGE:

<input type="text"/> 2	1 = YELLOW GREEN	2 = GREEN	3 = BLUE GREEN
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6. STEM:

<input type="text"/> 2	Anthocyanin:	1 = ABSENT	2 = PRESENT
<input type="text"/> 2	Neck Hairiness:	1 = NONE	2 = SLIGHT
		3 = MODERATE	4 = HEAVY
<input type="text"/> 2	Shape Of Neck:	1 = STRAIGHT	2 = WAVY
		3 = OTHER (Specify) _____	

7. LEAVES:

<input type="text"/> 1	Flag Leaf:	1 = NOT TWISTED	2 = TWISTED	<input type="text"/> 3 <input type="text"/> 0	CM. LEAF LENGTH: 1st Leaf Below Flag Leaf
<input type="text"/> 2	Waxy Bloom On Leaf At Boot:	1 = ABSENT	2 = PRESENT	<input type="text"/> 1 <input type="text"/> 0	MM. LEAF WIDTH: 1st Leaf Below Flag Leaf
<input type="text"/> 2	Leaf Carriage:	1 = UPRIGHT	2 = RECURVED	<input type="text"/> 2	Auricle Color:
		3 = DROOPING			1 = COLORLESS OR WHITE
					2 = PURPLE
					3 = OTHER (Specify) _____

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8. HEAD:

<input type="text" value="3"/>	Density:	1 = LAX	2 = MIDDENSE	3 = DENSE	
<input type="text" value="2"/>	Shape:	1 = FUSIFORM	2 = OBLONG	3 = CLAVATE	4 = ELLIPTICAL 5 = OTHER (Specify) _____
<input type="text" value="4"/>	Awedness:	1 = AWNLESS	2 = APICALLY AWNLETTERED	3 = AWNLETTERED	4 = AWNED
<input type="text" value="1"/>	Awn Color:	1 = WHITE	2 = YELLOW	3 = TAN	4 = BROWN 5 = BLACK
<input type="text" value="1"/>	<input type="text" value="0"/>	CM. HEAD LENGTH		<input type="text" value="1"/> <input type="text" value="5"/>	MM. HEAD WIDTH

9. GLUMES AT MATURITY:

<input type="text" value="3"/>	Pubescence:	1 = GLABROUS	2 = SLIGHTLY PUBESCENT	3 = PUBESCENT
<input type="text" value="1"/>	Color:	1 = WHITE	2 = YELLOW	3 = TAN 4 = BROWN 5 = BLACK
<input type="text" value="3"/>	Length:	1 = SHORT	2 = MIDLONG	3 = LONG <input type="text" value="2"/> Width: 1 = NARROW 2 = MIDWIDE 3 = WIDE
<input type="text" value="5"/>	Shoulder:	1 = WANTING	2 = OBLIQUE	3 = ROUNDED <input type="text" value="3"/> Beak: 1 = OBTUSE 2 = ACUTE 3 = ACUMINATE
		4 = SQUARE	5 = ELEVATED	6 = APICULATE

10. COLEOPTILE COLOR:

<input type="text" value="1"/>	1 = WHITE	2 = GREEN	3 = PURPLE
--------------------------------	-----------	-----------	------------

11. SEED:

<input type="text" value="3"/>	Shape:	1 = OVATE	2 = OVAL	3 = ELLIPTICAL
<input type="text" value="3"/>	Smoothness:	1 = SMOOTH	2 = SLIGHTLY WRINKLED	3 = WRINKLED
<input type="text" value="3"/>	Brush Area:	1 = SMALL	2 = MIDSIZE	3 = LARGE
<input type="text" value="2"/>	Brush Length:	1 = SHORT	2 = MIDLONG	3 = LONG
<input type="text" value="1"/>	Phenol Reaction:	1 = IVORY	2 = FAWN	3 = LIGHT BROWN 4 = BROWN 5 = BROWN BLACK
<input type="text" value="3"/>	Color:	1 = WHITE	2 = AMBER	3 = RED 4 = PURPLE 5 = BLACK 6 = OTHER (Specify) _____
<input type="text" value="3"/>	<input type="text" value="5"/>	GMS. PER 1,000 SEED		

12. DISEASE (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Tolerant):

<input type="text" value="0"/>	STEM RUST (Races) _____	<input type="text" value="1"/>	LEAF RUST (Races) _____
<input type="text" value="0"/>	STRIPE RUST (Race) _____	<input type="text" value="0"/>	ERGOT
<input type="text" value="2"/>	POWDERY MILDEW _____	<input type="text" value="0"/>	BACTERIAL STRIPE
<input type="text" value="1"/>	SEPTORIA	<input type="text" value="3"/>	YELLOW DWARF
<input type="text" value="1"/>	OTHER (Specify) _____	<input type="text" value="1"/>	OTHER (Specify) _____

13. INSECT (0 = Not Tested, 1 = Susceptible, 2 = Resistant, 3 = Tolerant):

<input type="text" value="0"/>	GREENBUG	<input type="text" value="1"/>	GP	<input type="text" value="1"/>	A	<input type="text" value="1"/>	B	<input type="text" value="1"/>	C
<input type="text" value="1"/>	CEREAL LEAF BEETLE	<input type="text" value="1"/>	D	<input type="text" value="1"/>	E	<input type="text" value="1"/>	F	<input type="text" value="1"/>	G
<input type="text" value="1"/>	OTHER (Specify) <u>corn borer</u>								

HESSIAN FLY RACE: 0

9600361

14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	VARIETY
PLANT TILLERING	
WINTER HARDINESS	Stan II
AREA OF ADAPTATION	Florico & Stan II
SEED SHAPE	

REFERENCES:

L. W. Briggie and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, USDA.

W. E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, Contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts.

COMMENTS:

Table 3 Heading Date of 498 vs Other Triticale
Grown in Southeast U.S.

	498	Florico	Presto
	Days after March 31		
<u>Orangeburg, S. Carolina</u>			
1995	11.5	3.0	21.0
<u>Clemson, S. Carolina</u>			
1994	14	7	NA
<u>Laurensburg, N. Carolina</u>			
1995	13.8	7.5	26.0
AVG	13	6	24

Table 4

Height of 498 vs Florico Triticale

	498	Florico
	cm	
<u>Blackville, S. Carolina</u>		
1993	97	112
<u>Clemson, S. Carolina</u>		
1994	112	119
<u>Florence, S. Carolina</u>		
1994	124	130
1993	104	114
AVG	109	119

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) Resource Seeds, Inc.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER XT498	3. VARIETY NAME 498
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) P.O. Box 1319 Gilroy, CA 95021	5. TELEPHONE (include area code) 408-847-1051	6. FAX (include area code) 408-847-0604
7. PVPO NUMBER 9600361		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? ☒ YES ☐ NO
If no, give name of country _____

10. Is the applicant the original breeder? If no, please answer the following: ☒ YES ☐ NO

a. If original rights to variety were owned by individual(s):
Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country _____

☐ YES ☐ NO

b. If original rights to variety were owned by a company:
Is the original breeder(s) U.S. based company? If no, give name of country _____

11. Additional explanation on ownership (If needed, use reverse for extra space):

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

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